



Adopted in House Comm. on Mar 04, 2004

09300HB4862ham001

LRB093 18625 DRJ 48438 a

1 AMENDMENT TO HOUSE BILL 4862

2 AMENDMENT NO. _____. Amend House Bill 4862 by replacing
3 the title with the following:

4 "AN ACT concerning organ donations."; and

5

6 by replacing everything after the enacting clause with the
7 following:

8 "Section 5. The Organ Donation Request Act is amended by
9 adding Section 3.5 as follows:

10 (755 ILCS 60/3.5 new)

11 Sec. 3.5. Notification of patient; family rights and
12 options.

13 (a) In this Section, "donation after cardiac death" means
14 the donation of organs from a ventilated patient without a
15 certification of brain death and with a do-not-resuscitate
16 order, if a decision has been reached by the physician and the
17 family to withdraw life support and if the donation does not
18 occur until after the declaration of cardiac death.

19 (b) If (i) a potential organ donor, or an individual given
20 authority under subsection (b) of Section 2 to consent to an
21 organ donation, expresses an interest in organ donation, (ii)
22 there has not been a certification of brain death for the
23 potential donor, and (iii) the potential donor is a patient at
24 a hospital that does not allow donation after cardiac death,

1 then the organ procurement agency shall inform the patient or
2 the individual given authority to consent to organ donation
3 that the hospital does not allow donation after cardiac death.

4 (c) In addition to providing oral notification, the organ
5 procurement agency shall develop a written form that indicates
6 to the patient or the individual given authority to consent to
7 organ donation, at a minimum, the following information:

8 (1) That the patient or the individual given authority
9 to consent to organ donation has received literature and
10 has been counseled by (representative's name) of the (organ
11 procurement agency name).

12 (2) That all organ donation options have been explained
13 to the patient or the individual given authority to consent
14 to organ donation, including the option of donation after
15 cardiac death.

16 (3) That the patient or the individual given authority
17 to consent to organ donation is aware that the hospital
18 where the potential donor is a patient does not allow
19 donation after cardiac death.

20 (4) That the patient or the individual given authority
21 to consent to organ donation has been informed of the right
22 to request a patient transfer to a facility allowing
23 donation after cardiac death.

24 (5) That the patient or the individual given authority
25 to consent to organ donation has been informed of another
26 hospital that will allow donation after cardiac death and
27 will accept a patient transfer for the purpose of donation
28 after cardiac death; and that the cost of transferring the
29 patient to that other hospital will be covered by the organ
30 procurement agency, with no additional cost to the patient
31 or the individual given authority to consent to organ
32 donation.

33 The form required under this subsection must include a
34 place for the signatures of the patient or the individual given

1 authority to consent to organ donation and the representative
2 of the organ procurement agency and space to provide the date
3 that the form was signed.

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.".